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March 27, 2024

VIA ELECTRONIC CASE FILING

Honorable Nina R. Morrison
United States District Court Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Besedin v. Nassau County et al.,
Docket No.: CV-18-0819 (NRM) (ST)

Dear Judge Morrison:

As your records reflect, we are the attorneys representing the Plaintiff, Robert Besedin, Sr., in the above referenced matter. We write to update The Court on the parties respective positions following our last conference on March 20, 2024 with Your Honor.

Plaintiff's Position

Plaintiff is willing to withdraw his claim for failure to intervene, but will maintain his abuse of process. Further, Plaintiff will not withdraw his Monell claim. Our files do not reveal that complete disciplinary files on the two defendant officers have been supplied. We have asked for these documents as they exist up to present. We can try the case any time after September 12th going forward.

Defendants' Position

Defendants intend to move for summary judgment on the false arrest, malicious prosecution, and abuse of process claims, as well as the related pendant state law claims for false arrest, false imprisonment and abuse of process, and the Monell claim. Defendants file reflects no complaints / disciplinary action pertaining to Officer Montovani and/or Beckwith prior to the incident that is the subject of this action. Counsel has reached out to the NCPD to confirm that and seeks till April 5, 2024 to provide any responsive records. If there are none defense counsel will so advise as soon as she confirms that. Defense counsel is available for trial after September 12, 2024, but will be

unavailable October 3rd and 4th, November 27th through November 29th, and December 20th through December 31st.

Thank you for your consideration in this matter.

Respectfully submitted,

Frederick K. Brewington

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cc: : Kiera Meehan, Esq. (By ECF)